

Message Text

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DEPT PASS TO DHEW/OIH, DR. JAMES KING

FOR OES/APT/BMP, W. WALSH

E.O. 11652: N/A

TAGS: OSCI, TBIO, JA, US

SUBJECT: NIH RESEARCH CONTRACTS TO JAPANESE SCIENTISTS

1. THE VISIT TO TOKYO BY RICHARD J. RISEBERG, OFFICE OF GENERAL COUNSEL, DHEW/NIH, JULY 21-22, HAS PROVED MOST WORTHWHILE IN FOCUSING GOJ ATTENTION ONCE AGAIN ON NIH CONTRACT PROBLEM. DURING HIS SHORT VISIT, RISEBERG AND SCICOUNS MET WITH OFFICIALS OF MINISTRY OF EDUCATION AND INISTRY OF FOREIGN AFFAIRS FOR TOTAL OF ABOUT EIGHT HOURS. A TWO-HOUR MEETING ON JULY 21 WITH TAKETOSHI IMAMURA, DIRECTOR-GENERAL, BUREAU OF SCIENCE AND INTERNATIONAL AFFAIRS, MOE, AND STAFF OF RESEARCH GRANTS DIVISION WAS PARTICULARLY ILLUMINATING. IMAMURA, WHO WAS APPOINTED TO POST JUST RECENTLY, STRUCK US AS BEING REMARKABLY FLEXIBLE AND SENSIBLE, PERHAPS BECAUSE ENTRENCHED BUREAUCRACY HAD NOT YET OVERWHELMED HIM. HE WAS ALREADY WELL POSTED ON BASIC ISSUES OF PROBLEM WHICH DATES BACK TO 1967. HE SUGGESTED CONCLUSION OF A GOVT.-TO-GOVT. AGREEMENT BETWEEN JAPAN AND U.S. TO SET FORTH GENERAL PRINCIPLES GOVERNING NIH RESEARCH GRANTS OR CONTRACTS TO JAPANESE EDUCATORS OR SCIENTISTS EMPLOYED BY NATIONAL UNIVERSITIES (WHICH ARE UNDER MOE JURISDICTION).

2. RISEBERG HAS CARRIED BACK TO WASHINGTON AN EARLY 1970'S FORM OF SUCH AN AGREEMENT BETWEEN MOE AND DHEW, NEGOTIATION OF LIMITED OFFICIAL USE

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WHICH WAS SUSPENDED WHEN SEVERAL IMPASSES DEVELOPED.

IMAMURA SUGGESTED THAT GENERAL PRINCIPLES IN A NEW DRAFT AGREEMENT INCLUDE ONE PERTAINING TO AUDITING OF RECORDS, AND THAT ONLY WAY FOR SOLVING THIS PROBLEM THAT IS ACCEPTABLE TO JAPAN IN VIEW OF EXISTING JAPANESE REGULATIONS WOULD BE FOR JAPANESE GRANTEES OR CONTRACTORS TO FILE THEIR FINANCIAL AND PROGRESS REPORTS WITH USG, AS REQUIRED BY USG; THEN, IF ANY DISCREPANCIES OR QUESTIONS AROSE WITHIN USG, JAPANESE BOARD OF AUDIT WOULD BE CALLED UPON TO INSPECT RECORDS ON BEHALF OF USG. OTHER PROBLEMS SUCH AS DIFFERING VIEWS ON PATENTS COULD BE SOVED CASE BY CASE THROUGH NEGOTIATION.

3. FROM THE STANDPOINT OF MOFA, WHICH BECAME CLEAR IN OUR SECOND-DAY MEETING WITH MOFA AND MOE OFFICIALS, THIS PROPOSED AGREEMENT SHOULD CONTAIN ASSURANCE THAT NIH GRANTS AND CONTRACTS ARE NOT IMMEDIATELY RELATED TO ANY MILITARY R&D ACTIVITIES (ACCORDING TO TANAKA OF MOFA, SUCH ASSURANCE ALONE CAN SOLVE SEVENTY PER CENT OF WHOLE PROBLEM). ALTHOUGH THIS MIGHT STRIKE DEPT. AND DHEW AS UNNECESSARY AND PERHAPS UNREASONABLE, USG SHOULD TAKE INTO ACCOUNT VEHEMENT PAST ATTACKS ON GOJ BY SOCIALIST AND COMMUNIST DIET MEMBERS, WHO ACCUSED GOJ AND USG OF COLLABORATING IN SUPPORT OF BIOLOGICAL WARFARE RESEARCH IN JAPAN. WE NOTE THAT ALMOST ANY BIOLOGICAL RESEARCH CAN BE CONSTRUED AS HAVING MILITARY SIGNIFICANCE IF IMAGINATIONS ARE STRETCHED FAR ENOUGH.

4. IMAMURA ALSO SUGGESTED THAT KOBATA CASE CAN BE HANDLED AND SETTLED SEPARATELY PENDING CONCLUSION OF SUCH OVERALL AGREEMENT ALONG LINES OF REVISED CONTRACT (WHICH DELETED CLAUSE CONCERNING AUDITING). THIS REVISED CONTRACT, WHICH SCICOUNS DELIVERED TO MOFA EARLIER THIS YEAR, IS NOWHERE TO BE FOUND. IT WAS AGREED, THEREFORE, THAT DHEW/NIH BE ASKED TO PREPARE NEW REVISED CONTRACT FOR DR. KOBATA AND SEND IT TO GOJ VIA EMBASSY. IN THE CASE OF DR. KOBATA, THERE ACTUALLY ARE NO RESIDUAL PROBLEMS, NOW THAT USG HAS AGREED TO WAIVE RIGHT TO AUDIT.

5. IMAMURA APPEARED MOST ENTHUSIASTIC ABOUT SOLVING THIS LONG-STANDING PROBLEM. HE EAGERLY SUPPORTED SCICOUNS' REMARKS AT MEETING THAT USG IS MOST ANXIOUS TO SEE PROBLEM SOLVED TO MUTUAL STAISFACTION, SINCE EXISTENCE OF PROBLEM LIMITED OFFICIAL USE

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MOST DEPLORABLE IN VIEW OF GREAT SUCCESS THAT HAS BEEN AND IS BEING ACHIEVED IN ALL OTHER ASPECTS OF SCIENTIFIC AND TECHNOLOGICAL COOPERATION BETWEEN JAPAN AND U.S.

6. SCICOUNS AND RISEBERG ALSO MET WITH SHINICHIRO ASAO, DEPUTY DIRECTOR-GENERAL, AMERICAN AFFAIRS BUREAU,/?*.2(9*-. ASAO EXPRESSED FIRM SUPPORT FOR RESOLUTION OF PROBLEM AND AGREED THAT IF MOE CAN BE PERSUADED TO ACCEPT NIH CONTRACTS, IT WILL

BE MUCH EASIER TO CONVINCE MINISTRY OF HEALTH AND WELFARE TO DO LIKEWISE. THUS ASAO CONFIRMED PREVIOUS MOFA POSITION IN FAVOR OF USG AS STATED INFORMALLY BY ARITA (DEPUTY FOREIGN MINISTER) AND YAMAZAKI (DIRECTOR-GENERAL, AMERICAN AFFAIRS BUREAU) TO EMBOFF IN RECENT WEEKS.

7. DEPT. AND DHEW REQUESTED TO GIVE SERIOUS THOUGHT TO IMAMURA PROPOSAL FOR GOVERNMENTAL-LEVEL AGREEMENT. THOUGHT OCCURS TO US THAT IT MIGHT BE MADE ANNEX TO EXISTING COOPERATIVE MEDICAL SCIENCE AGREEMENT, BUT OTHER PATHS OF WASHINGTON'S CHOOSING ARE OBVIOUSLY AVAILABLE.

8. ALSO REQUEST THAT KOBATA CONTRACT BE REISSUED PER PARA 4 ABOVE.
SHOESMITH

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